

NOTE

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Sec. 22a-174-7. Air pollution control equipment and monitoring equipment operation.

(a) Breakdown, failure and deliberate shutdown.

(1) Neither breakdown, failure nor deliberate shutdown of air pollution control equipment or monitoring equipment nor submission of any notice pursuant to this section shall excuse the owner or operator of any source from the obligation to comply with an applicable emission limitation or emission standard or other applicable requirement.

(2) If an owner or operator operates a stationary source to produce emissions of an air pollutant during breakdown, failure or deliberate shutdown of any air pollution control equipment so as to produce an exceedance of an applicable emission limitation or emission standard, the owner or operator shall:

- (A) Exercise due diligence to minimize emissions while such control equipment is inoperative;
- (B) Continue the use of monitoring equipment; and
- (C) Give notice to the commissioner as required by subsections (d) and (e) of this section.

(b) Operation of air pollution control equipment and monitoring equipment.

(1) While a stationary source is in operation, no person shall deliberately shut down any operational air pollution control or monitoring equipment or deliberately keep such air pollution control equipment or monitoring equipment shut down except to perform necessary maintenance, which cannot be accomplished when the stationary source itself is not in operation and is not emitting air pollutants.

(2) Notwithstanding subdivision (1) of this subsection, a source owner or operator may deliberately shut down air pollution control equipment or monitoring equipment while the source is in operation if:

- (A) The owner or operator is not required to operate such equipment by a permit, order or regulation;
- (B) The source is in compliance with applicable emission limitations and emission standards while the air pollution control equipment is shut down; and
- (C) Emissions released while monitoring equipment that measures such emissions is deliberately shut down are not used to calculate credits generated in an emissions credit trading program.

(c) No person may tamper with, render inaccurate or render inoperable any air pollution control equipment or monitoring equipment required by permit, order or regulation.

(d) If any breakdown, failure or deliberate shutdown of air pollution control equipment or monitoring equipment required by permit, order or regulation continues for more than twenty-four (24) hours and the source operates at any time after the expiration of twenty-four hours and during source operation after the breakdown, failure or deliberate shutdown an exceedance of any emission limitation or standard occurs, the owner or operator shall submit a written notice to the commissioner postmarked within ten (10) days of the commencement of the breakdown, failure or deliberate shutdown. Such written notice shall include, but is not limited to, the following:

- (1) Identification of the specific air pollution control or monitoring equipment subject to the breakdown, failure or deliberate shutdown, as well as information concerning its location, and, where applicable, registration or permit number;
- (2) The date, time, duration, explanation and description of each breakdown, failure or deliberate shutdown of the air pollution control or monitoring equipment;
- (3) The nature and quantity of air pollutants emitted during the period that the pollution control or monitoring equipment is not operating;
- (4) Identification of dates of inspection and maintenance of the subject equipment prior to the breakdown, failure or deliberate shutdown, including a description of inspection findings and any maintenance conducted;
- (5) A description of all measures that the owner or operator has taken or will take to resume operation of the air pollution control or monitoring equipment; and
- (6) A description of all measures taken and continuing to be taken to minimize the length of the shutdown period such as the use of off-shift labor and equipment.

(e) Immediate notification.

(1) The owner or operator shall notify the Department, Bureau of Air Management, Compliance and Field Operations Division, as required by subdivision (2) of this subsection if, at the time of discovery of any breakdown, failure or deliberate shutdown of air pollution control or monitoring equipment required to be operated by permit, order or regulation:

- (A) The owner or operator reasonably expects the breakdown, failure or deliberate shutdown to continue for more than 24 hours; and
- (B) The owner or operator anticipates operating the source at any time after the expiration of twenty-four hours.

(2) Notification to comply with this subsection shall be made by telephone, electronic mail, facsimile or in person immediately after the breakdown, failure or deliberate shutdown is discovered or in the exercise of reasonable care should have been discovered, and in no case shall such notice be made later than two (2) business days after such breakdown, failure or deliberate

shutdown.

(f) Except as provided in subsection (g) of this section, compliance with the notice requirements of subsection (d) and (e) of this section or the operation requirements of subsection (b) of this section shall not relieve the owner or operator from complying with all applicable emission limitations and emission standards. The Commissioner may take any enforcement action, including requiring the owner or operator to cease operation of the stationary source, or attach any condition to the operation of the stationary source during the period of any breakdown, failure or deliberate shutdown of air pollution control or monitoring equipment. Nothing in this section or any notice submitted pursuant to this section shall preclude the commissioner from taking any action authorized by law to protect human health and the environment.

(g) An owner or operator of a stationary source is exempt from the notification requirements of subsections (d) and (e) of this section if:

(1) The owner or operator holds a valid Title V permit for the stationary source issued by the Department; or

(2) The owner or operator deliberately shuts down air pollution control or monitoring equipment in accordance with subsection (b)(2) of this section.

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